

REMARKS

The claims stand rejected under 35 USC 103(a) as being unpatentable over Lacasse et al. (US2003/0164318) in view of Brown (US6691885). Applicant respectfully disagrees with the Examiner's analysis of the cited prior art, however in order to advance prosecution, Applicant has amended the claims to more clearly distinguish the application over the cited prior art. Applicant reserves the right to file one or more continuation applications to pursue the subject matter of the cancelled claims.

More specifically, new independent claim 39 is directed to a container that includes, *inter alia*,

"... an enclosure supported above the base frame and having a length and a width, the enclosure defining two end portions that are disposed opposite one another along the length of the enclosure, the two end portions each bounded by a corresponding pair of corners of the base frame;

... the access arrangement comprising a first movable side panel disposed proximate a given end portion of the two end portions of the enclosure; said first moveable side panel being pivotable about a first vertical pivot axis provided on a first vertical support member that extends upward from the base frame from a location intermediate first and second corners of the base frame, the first corner belonging to the pair of corners that bounds the given end portion of the enclosure, and the second corner belonging to the pair of corners that bounds the other end portion of the enclosure, whereby the pivoting movement of the first moveable side panel about the first vertical pivot axis renders open the given end portion of the enclosure at the first corner of the base frame."

Nowhere does the cited prior art teach or suggest these features.

In paragraph 37 of the Final Action, the Examiner admits that the cited prior art does not disclose these features, but goes on to assert these features are a mere

rearrangement of parts. Such analysis is misguided as new claim 39 recites not only the inclusion of a moveable side panel but also defines its location (i.e., pivotable about a first vertical pivot axis provided on a first vertical support member that extends upward from the base frame from a location intermediate first and second corners of the base frame) and its functionality (i.e., to render open the given end portion of the enclosure at the first corner). Thus, the recitations of claim 39 go way beyond any rearrangement of parts of the prior art and would require much more than trivial inventive skill.

For these reasons, new claim 39 is clearly patentable over the cited prior art.

The dependent claims are patentable over the cited prior art for those reasons advanced above with respect to claim 39 from which they respectively depend, and for reciting additional features that are not taught or suggested by the cited prior art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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April 26, 2012